

REMARKS / ARGUMENTS

I. General Remarks

Claims 1-23 are pending. Claims 24-32 have been cancelled.

II. Affirmation of Provisional Election

Applicants affirm the provisional election to continue prosecution of claims 1-23. Claims 24-32 have been cancelled. Applicants reserve the right to subsequently take up prosecution of the cancelled claims in one or more appropriate continuation, continuation-in-part and/or divisional applications.

III. Remarks Regarding the 35 U.S.C. § 102(b) Rejection

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,204,183 issued to McDougall *et al.*

Applicants respectfully submit that the cited reference does not anticipate the rejected claims as amended, because it does not teach each and every element set forth in the claims. To form a basis for a 35 U.S.C. § 102(b) rejection, a prior art reference must disclose each and every element as set forth in the claim. *See* MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (2004). The cited reference standing alone does not contain each and every element of the claimed invention and as such, the reference cannot anticipate Applicants' claims.

In particular, as to independent claims 1, 14, and 19, *McDougall* fails to teach "a high density viscous salt water treating fluid having a density in the range of from about 9 lbs/gal to about 15 lbs/gal." Nowhere has *McDougall* been shown to include a treating fluid having this density range with one or more oxidation resistant salts. Applicants recognize that acetate salts are mentioned in *McDougall* (*See* col. 4, lines 4-5). This mention of salts, however, is directed to the process of neutralizing the elastomer polymer used to encapsulate the breaker chemical composition of *McDougall*. (*See* col. 3, lines 31 - col. 4, lines 27). No teaching is present in *McDougall* of using these salts as a weighting agent as in the present invention to attain the higher densities of the present invention. In fact, *McDougall* teaches away from using high concentrations of these neutralizing salts in the final treatment solution. (*See* col. 4, lines 17-27 (teaching that the amount of neutralizing salt should be stoichiometrically related to the amount of free acid in the polymer)). Indeed, *McDougall* contains no teaching of salt treatment fluids having density ranges of from about 9 lbs/gal to about 15 lbs/gal with one or more oxidation

resistant salts. Further, the Examiner has not shown that any of the particular compositions inherently result in a treatment fluid having a density range as claimed by the present invention.

Thus, *McDougall* fails to anticipate independent claims 1, 14, and 19 of the present invention. Applicant respectfully requests removal of the 35 U.S.C. § 102(b) rejection as to independent claims 1, 14, and 19 and correspondingly, as to dependent claims 2-13, 15-18, and 20-23, which depend from independent claims 1, 14, and 19.

SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, the Commissioner is authorized to debit the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



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